

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:22-cv-00510-FDW-DSC

TONY OSIAS,
Plaintiff,

vs.

ALEJANDRO MAYORKAS, STEVEN
FRANCIS, and TAE JOHNSON,
Defendant.


ORDER

THIS MATTER is before the Court *sua sponte* concerning the status of this case. Plaintiff filed his Complaint on September 28, 2022, (Doc. No. 1), but failed to include either the filing fee or an application to proceed without payment. On the same day, the Clerk of Court mailed Plaintiff a Notice of Deficiency directing him to “either file an application to proceed without prepayment of fees and affidavit (form enclosed) or pay the filing fee of \$402.00.” (Doc. No. 2). This Notice forewarned Plaintiff that failure to comply within twenty-one (21) days from the filing of the Notice “may result in the dismissal of this action without prejudice for failure to prosecute.” (*Id.*). Plaintiff did not respond to the Notice. Further, Plaintiff has failed to either remit payment of the filing fee or file an application to proceed without payment, and the time for doing so has expired.

IT IS THEREFORE ORDERED that this action is hereby DISMISSED without prejudice. The Clerk of Court is respectfully directed to CLOSE this case.

IT IS SO ORDERED.

Signed: December 8, 2022


Frank D. Whitney
United States District Judge